BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ALLEN WOOD)	
Claimant)	
VS.)	
)	Docket No. 184,487
SHONEY'S INC.)	
Respondent)	
AND)	
)	
CONTINENTAL INSURANCE COMPANY)	
Insurance Carrier)	

ORDER

Claimant appeals from a preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on October 31, 1996.

ISSUES

The sole issue on appeal is whether the Administrative Law Judge erred when he refused to award neuro-psychological testing for claimant's injuries.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes that the issue raised by claimant is not an issue which amounts to an allegation that the Administrative Law Judge exceeded his jurisdiction. The Appeals Board does not, therefore, have authority to review the decision at this stage in the proceedings. The Order by the Administrative Law Judge should remain in effect as originally ordered.

K.S.A. 1996 Supp. 44-551 limits appeals from preliminary hearing orders to ones which allege that the Administrative Law Judge has exceeded his or her jurisdiction. K.S.A. 1996 Supp. 44-534a lists specific jurisdictional issues. The issue raised by claimant in this case is, in effect, whether the Administrative Law Judge erred in determining that claimant

was not in need of further medical treatment in the form of neuro-psychological testing. This is not one of the issues listed in K.S.A. 1996 Supp. 44-534a and does not otherwise constitute an allegation that the Administrative Law Judge exceeded his jurisdiction.

WHEREFORE, the Appeals Board finds that the Order by Administrative Law Judge Bryce D. Benedict dated October 31, 1996, should remain in effect as originally entered.

IT IS SO ORDER	ED.
Dated this d	lay of January 1997.
	BOARD MEMBER

c: Judy A. Pope, Topeka, KS Michael J. Unrein, Topeka, KS Bryce D. Benedict, Administrative Law Judge Philip S. Harness, Director